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4 IN THE CIRCUIT COURT OF THE STATE OF OREGON

5 FOR THE COUNTY OF MULTNOMAH

6 JERMAINE MASSEY, )  
7 Plaintiff, ) Case No.:  
8 v. )  
9 DW PORTLAND LLC, a Delaware ) COMPLAINT FOR FALSE ARREST  
Corporation, dba Doubletree by Hilton ) AND RACE DISCRIMINATION  
Portland; HILTON DOMESTIC )  
OPERATING COMPANY INC., AN )  
INCORPORATION OF DELAWARE, a ) NOT SUBJECT TO MANDATORY  
Delaware Corporation; ) ARBITRATION  
WMK PORTLAND, LLC, a Delaware )  
Corporation; EARL MYERS, JR., an ) PRAYER: \$3,000,000  
individual; and LUIS POLANCO, an ) ORS 21.160(1)(d) — \$884.00  
individual. )  
13 Defendants. ) JURY TRIAL DEMANDED  
14

15 Plaintiff demands a jury trial and alleges:

16 1.

17 DW Portland LLC is and at all times mentioned herein has been a  
18 Delaware limited liability company (hereinafter "DW") doing business as  
19 DoubleTree by Hilton Portland. DW owns and operates a Hilton DoubleTree  
20 franchise hotel located at 1000 NE Multnomah Street, Portland, Oregon,  
21 referred to herein as the DoubleTree Portland. DW conducts regular, sustained  
22 business activity in Multnomah County. DW's principal place of business and  
23 nerve center are located in Multnomah County.

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1 2.

2 WMK Portland LLC, is and at all times mentioned herein has been a  
3 Delaware corporation (hereinafter "WMK"). WMK is a Hilton franchisee  
4 operating the DoubleTree Portland. WMK conducts regular, sustained business  
5 activity in Multnomah County. WMK's principal place of business and nerve  
6 center are located in Multnomah County.

7 3.

8 Hilton Domestic Operating Company Inc., An Incorporation of Delaware,  
9 is and at all times mentioned herein has been a Delaware corporation  
10 (hereinafter "Hilton") engaged in the operation, management, and franchising of  
11 hotels, including the DoubleTree line of franchises. The DoubleTree Portland is  
12 a DoubleTree franchise hotel. Hilton owns, operates, manages, or franchises  
13 multiple hotels in Multnomah County, and conducts regular, sustained  
14 business activity in Multnomah County.

15 4.

16 At all times mentioned herein, Earl Myers, Jr., Luis Polanco, and all  
17 other employees working at the DoubleTree Portland were employees, agents,  
18 or apparent agents of defendants.

19 5.

20 Earl Myers, Jr., is an Oregon resident.

21 6.

22 On or about December 22, 2018, Jermaine Massey, an African American,  
23 was a registered guest at the DoubleTree Portland, seated in the public lobby,

1 speaking on his cell phone to his mother on the East Coast. Mr. Massey was  
2 approached by a security guard. Myers interrupted Massey's phone call, and  
3 continued to interrupt the phone call, despite being told that Massey was on an  
4 important call on a family matter, and, despite Massey's acknowledgment that  
5 he was indeed a proper guest of the hotel, Myers made a series of demands,  
6 including but not limited to that Massey declare what room he was in, produce  
7 a room key, and Myers threatened to call the police on Massey, told him that  
8 he was "loitering," told him that he was a risk to the safety and security of hotel  
9 guests, contacted the manager on duty, Luis Polanco, and secured police  
10 detention and expulsion of Massey from the hotel.

11 7.

12 The manager, Luis Polanco, called the Portland police. The manager  
13 approached Mr. Massey and informed him that the police had been called and  
14 ordered Mr. Massey to leave the hotel. The manager and the security guard  
15 requested the police to enforce their order that Mr. Massey leave the hotel. The  
16 police enforced the order by informing Mr. Massey that he would be arrested  
17 for trespassing if he did not leave the hotel. The police and the security guard  
18 escorted Mr. Massey through the hallways and in the elevator up to his room to  
19 collect his belongings. They then escorted him back through the hallways and  
20 down the elevator, and then forced him to leave through the lobby of the hotel.  
21 Once the police arrived, Massey was no longer free to come and go as he  
22 wished, and was allowed only to move while in police escort and under police  
23 restraint.

1 FOR A CLAIM OF RELIEF FOR FALSE ARREST AGAINST ALL  
2 DEFENDANTS, Mr. Massey alleges:

3 8.

4 Mr. Massey realleges and incorporates by reference paragraphs 1-7,  
5 above.

6 9.

7 The above-described stop and detention was intentional, Mr. Massey was  
8 aware of his detention, and the detention was unlawful.

9 10.

10 As a result of the above-described detention Mr. Massey suffered,  
11 continues to suffer, and will in the future suffer from embarrassment,  
12 frustration, anger, humiliation, a sense of increased vulnerability, and feelings  
13 of racial stigmatization, all to his noneconomic damages in an amount to be  
14 determined by the jury, not to exceed \$3,000,000.

15 FOR A CLAIM OF RELIEF FOR RACE DISCRIMINATION AGAINST ALL  
16 DEFENDANTS, Mr. Massey alleges:

17 11.

18 Mr. Massey realleges and incorporates by reference paragraphs 1-7,  
19 above.

20 12.

21 The above-described DoubleTree Portland hotel is, and at all times  
22 mentioned herein, has been a place of public accommodation within the  
23

1 meaning of ORS 659A.400. At least part of the motivation for the above-  
2 described conduct was Mr. Massey's race.

3 13.

4 The above-described conduct violates ORS 659A.403, which prohibits  
5 discrimination in places of public accommodation on account of race.

6 14.

7 As a result of the above-described discrimination, Mr. Massey suffered,  
8 continues to suffer, and will in the future suffer from embarrassment,  
9 frustration, anger, humiliation, a sense of increased vulnerability, and feelings  
10 of racial stigmatization, all to his noneconomic damages in an amount to be  
11 determined by the jury, not to exceed \$3,000,000.

12 15.

13 Mr. Massey is entitled to reasonable attorney fees pursuant to ORS  
14 659A.885.

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1 WHEREFORE, Mr. Massey prays for judgment against defendants in an  
2 amount to be determined by the jury not to exceed a maximum combined  
3 amount of \$3,000,000 in noneconomic damages, reasonable attorney fees  
4 pursuant to ORS 659A.885, and for costs and disbursements necessarily  
5 incurred herein.

6 Dated: October 8, 2019.

7

8 /s/ Gregory Kafoury

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9 Gregory Kafoury, OSB #741663  
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15 Attorneys for Plaintiff

16 Plaintiff hereby provides notice of his intent to amend to include claims  
17 for punitive damages, in an amount to be determined by the jury, not to exceed  
18 \$7,000,000.